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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

Regional arrangements for the promotion and protection of human rights

Report of the Secretary-General prepared in accordance with paragraph 10 of Commission on Human Rights resolution 1997/34

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Introduction

1. In its resolution 1997/34 of 11 April 1997 the Commission on Human Rights welcomed the continuing cooperation and assistance of the High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular with regard to advisory services and technical assistance, public information and education, with a view to exchanging information and experience in the field of human rights.

2. The Commission stressed the importance of the programme of advisory services in the field of human rights and renewed its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under that programme, for organizing information or training courses at the national level for government personnel, and noted with satisfaction the establishment of technical cooperation projects with several Governments of the Asian and the Pacific region.

3. The Commission requested the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and invited States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights.

4. The Commission requested the High Commissioner for Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, relevant recommendations.

5. The Secretary-General was requested to submit to the Commission at its fifty-fifth session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of resolution 1997/34. The present report has been prepared in response to that request.

I. COOPERATION BETWEEN THE UNITED NATIONS AND REGIONAL ORGANIZATIONS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Africa

1. Cooperation with the Organization of African Unity (OAU) and the African Commission on Human and Peoples' Rights including proposals and recommendations for future cooperation

6. The African system for the protection and promotion of human rights is based on the African Charter on Human and Peoples' Rights, which came into

activities in the field of human rights; and strengthening non-governmental and grass-roots organizations and civil society in promoting respect for human rights. These activities will be carried out at the request of the States and organizations concerned, taking into consideration the specific characteristics of each situation.

10. In order to enhance cooperation with OAU, OHCHR is examining the possibility of placing a human rights expert within OAU. The High Commissioner is currently discussing this matter with relevant OAU officials .

2. Cooperation with the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC), including proposals and recommendations for future cooperation

11. In November 1998, representatives of OHCHR met with the Executive Secretary of ECOWAS who expressed the Community's willingness to cooperate with OHCHR and stressed the need to integrate human rights into the activities of ECOWAS, especially with regard to the development and the implementation of the Framework Agreement on an ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security. ECOWAS welcomed the OHCHR suggestion to organize, in cooperation with ECOWAS, training sessions on national plans of action for the ECOWAS member States in 1999. The representatives of ECOWAS indicated ways in which OHCHR could make significant contributions to the normative development of the above-mentioned mechanism.

12. Southern Africa is generally considered to have an encouraging potential for establishing and successfully maintaining democratic institutions and the rule of law. Endowed with significant natural and human resources, the region enjoys a relatively advantageous position in terms of economic and social development. Since the collapse of apartheid in South Africa, the subregion has managed to achieve notable progress in building democratic institutions. Many countries have requested technical assistance of OHCHR. In order to maximize the impact of its involvement in the subregion, OHCHR is providing increasing support to SADC to establish a "human rights sector". The process started with the SADC Human Rights Conference held in Mozambique in February 1994 and the Workshop on Democracy, Peace and Security held in Namibia, in July 1994. In June 1996, the SADC Organ on Politics, Defence and Security was established, based on "the observance of human rights, democracy and the rule of law". Among its objectives are promoting and enhancing the development of democratic institutions, encouraging the ratification of human rights treaties and preventing conflict in the region through an early warning system. OHCHR is making expertise and assistance available to the SADC Secretariat in Gaborone, Botswana, to enable the objectives of the Organ to be achieved.

13. With regard to subregional training activities, a human rights training course for senior command and staff officers from the southern African subregion was organized in Pretoria, South Africa, in September 1997. A number of regional activities, including the second Conference of African National Institutions for the Promotion and Protection of Human Rights, held in Durban, South Africa (1-3 July 1998) have been organized in the subregion

with the assistance of OHCHR. OHCHR is currently implementing, jointly with UNDP, a project aimed at strengthening United Nations capacity in southern Africa to respond to government requests for assistance on human rights, democracy and rule of law issues. A regional programme adviser, based in Pretoria, is coordinating and consulting closely with Resident coordinators in southern Africa to facilitate the formulation, monitoring and evaluation of human rights, democracy and rule of law projects and activities and to provide on-site support and advice upon request to Governments and SADC.

B. Europe

1. Cooperation with the Council of Europe and the European Union, including proposals and recommendations for future cooperation

14. The High Commissioner attended and delivered a speech at the European Regional Colloquy organized by the Council of Europe in Strasbourg on 2 September 1998. She took the opportunity of her visit to Strasbourg to hold a series of working meetings with the Secretary-General of the Council of Europe, the Registrar of the European Court of Human Rights and other high-level officials. The issue of cooperation between OHCHR and the Council of Europe was discussed and it was agreed that there was a need for a more structured relationship between the two institutions. Among the areas of potential future cooperation are the next World Conference on Racism and Racial Discrimination; action to combat trafficking of women and violence against women; technical cooperation; and the strengthening of national capacities in the field of human rights. OHCHR and the Council of Europe are discussing several concrete proposals for cooperation in their field activities in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia.

15. The High Commissioner delivered a key-note speech at a joint meeting of the Foreign Affairs Committee and the Sub-Committee on Human Rights of the European Parliament on 23 June 1998, at which a wide-ranging exchange of views on issues of mutual concern took place. The High Commissioner took the opportunity of this visit to meet the Vice-Chairperson of the European Commission and other Commission officials.

2. Cooperation with the Organization for Security and Cooperation in Europe (OSCE) including proposals and recommendations for future cooperation

16. OHCHR continued to maintain constructive contacts with OSCE. A formal agreement on cooperation was reached in June 1998 between the OSCE Office for Democratic Institutions and Human Rights and OHCHR on the regular exchange of information, areas for joint action and the maintenance of institutional links. OHCHR participated in the OSCE Human Dimension Seminar on Ombudsmen and National Human Rights Protection Institutions held in Warsaw in May 1998. In an address to the OSCE Permanent Council of Ministers in Vienna in June 1998, the High Commissioner emphasized the importance of developing a global partnership for human rights among concerned organizations.

17. In Bosnia and Herzegovina and in Croatia, OHCHR field staff have consulted with OSCE missions on a range of issues, including legal reform and training programmes. OSCE staff in Albania provided valuable assistance to an OHCHR investigative mission which travelled to that country in June 1998 to interview refugees from Kosovo, Federal Republic of Yugoslavia. In the Federal Republic of Yugoslavia, good cooperation has been established between the OHCHR field presence and the OSCE Kosovo Verification Mission (KVM). OHCHR has provided human rights briefings for incoming KVM monitors, and an OHCHR needs-assessment mission was undertaken in the Federal Republic of Yugoslavia in December 1998 to help design the modalities of a full-scale training programme.

18. In the Abkhazia region of Georgia, OSCE continued its participation in the OHCHR human rights office, which is a part of the United Nations Observer Mission in Georgia (UNOMIG). OSCE has provided one human rights specialist to the office to work with the two United Nations human rights officers, in accordance with a memorandum of understanding signed between the two organizations in 1997. The mandate of the office includes promoting respect for human rights, contributing to the safe and dignified return of refugees and internally displaced persons, and reporting on human rights developments. The office's programme includes both human rights monitoring and technical cooperation elements. Consultation with OSCE including the OSCE High Commissioner for National Minorities, also comprises an important part of OHCHR technical cooperation projects that are either under way or being developed in other countries, including Latvia, Moldova, Ukraine, Belarus, Georgia and Kyrgyzstan.

19. The OSCE Chairman-in-Office took the initiative, in September 1998, of establishing a Group of Friends of Albania to facilitate further the coordination of the international community's efforts to assist Albania. The diverse interaction between OSCE and the United Nations in this initiative includes consultations on the possibility of establishing an independent human rights institution or Ombudsman.

20. In Tajikistan, the United Nations Mission of Observers in Tajikistan (UNMOT) continued to work closely with the OSCE mission in the country to promote human rights and democratic institution-building and to protect refugees and internally displaced persons.

C. Latin America

Cooperation with the inter-American system, including proposals and recommendations for future cooperation

21. OHCHR has been cooperating with several inter-American institutions in the elaboration and implementation of regional projects aimed at promoting and protecting human rights. Preliminary discussions were held in 1998 with two such institutions, the Inter-American Institute for Human Rights (IIDH) and the United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders (ILANUD) with a view to the signing of memoranda of understanding on enhanced cooperation. Draft memoranda of understanding have been prepared and it is hoped that they will be signed in the near future.

22. OHCHR is continuing discussions with the Organization of American States and the Inter-American Commission on Human Rights to establish closer cooperation through joint initiatives.

23. In October 1998 the High Commissioner for Human Rights signed a memorandum of understanding with an important Latin American regional NGO, the Andean Commission of Jurists (CAJ), to expand cooperation in the Andean countries, principally in the field of the administration of justice. A technical cooperation project is being implemented jointly with CAJ for the development of a judicial information network in those countries.

24. With regard to cooperation between OHCHR and ILANUD, two ongoing technical cooperation projects are under implementation. The first is a preparatory assistance project for the Central America and Panama subregion on the penitentiary system, the second is a pilot project for the Central America and Panama subregion on strengthening the application of human rights norms by the police.

25. ILANUD also cooperated with OHCHR in the implementation of a human rights training programme for law enforcement officials in Central America, which included a short module on the specialized treatment of victims of domestic violence. The initiative had very positive results and the Government of Panama has requested that training also be provided for Panamanian law enforcement officials in this area. With regard to future cooperation, ILANUD is interested in extending its cooperation with OHCHR to the Andean region and has submitted two project proposals, based on the experience gained in the Central America subregion, which would include training on the treatment of victims of domestic violence.

D. Asia and the Pacific

26. One of the fundamental objectives of the United Nations is to promote universal respect for, and observance of, human rights and fundamental freedoms. The United Nations has consistently promoted cooperation in the Asian and Pacific region for the achievement of this objective. Accordingly, and within the framework of its programme of technical cooperation in the field of human rights, OHCHR is organizing a series of workshops for the promotion and protection of human rights in the Asian and Pacific region.

27. At the regional workshops organized so far (in Manila in 1990, in Jakarta in 1993, in Seoul in 1994, in Kathmandu in 1996, in Amman in 1997 and in Tehran in 1998), consensus was reached on a "step-by-step" "building-blocks" approach involving extensive consultation among Governments of the region concerning the possible establishment of regional arrangements. It has also been agreed that regional arrangements must emerge from and be directed to the needs and priorities set by Governments of the region, with roles, functions, tasks, outcomes and achievements determined by consensus.

28. In 1997, the Amman Workshop concluded, inter alia, that the sharing of information and the development and strengthening of national capacities for the promotion and protection of human rights were crucial in the step-by-step process of establishing regional human rights arrangements. The Workshop also strongly recommended that a regional technical cooperation programme be designed and implemented as a matter of urgent priority.

29. In 1998, at the Tehran Workshop this process was carried forward and agreed conclusions were adopted for the first time. Underlining its commitment to developing and strengthening national capacities, in accordance with national conditions, for the promotion and protection of human rights through regional cooperation and the sharing of experiences, the Workshop adopted a framework for regional technical cooperation in the Asian and Pacific region designed to develop inter alia:

National plans of action for the promotion and protection of human rights and the strengthening of national capacities;

Human rights education;

National institutions for the promotion and protection of human rights;

Strategies for the realization of the right to development and economic, social and cultural rights.

30. Since 1990, the intergovernmental workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region has became the key forum for discussion of initiatives for regional cooperation, including the technical cooperation outlined below. Consequently, and in accordance with Commission on Human Rights resolution 1998/44, the seventh workshop for the Asian and Pacific region is to be organized in New Delhi from 16 to 18 February 1999. A separate report on the outcome of the Workshop is being submitted to the Commission at its present session.

II. CONCLUSIONS

31. Cooperation between the United Nations and regional institutions in the field of human rights continues to be both substantive and mutually supportive. However there is great potential to further this cooperation and to take it into new areas. The High Commissioner for Human Rights has indicated that she will be placing special emphasis on the issue of trafficking in women and on the strengthening of national human rights institutions. Priority will be given to increasing cooperation in these two areas between the United Nations and regional human rights bodies.

32. As reported above, the High Commissioner for Human Rights was able to engage in a very constructive dialogue with various components of the Council of Europe and the European Commission with the goal of furthering cooperation between these institutions and her Office. The High Commissioner had intended also to visit the regional institutions in Africa and in the Americas during 1998. Unfortunately, the two events which would have provided the opportunity for these visits were both rescheduled. The High Commissioner places high priority on strengthening relations and effective cooperation between her office and these regional bodies. She therefore intends to undertake visits to both as soon as feasible. The outcome will be reported to the Commission at its fifty-sixth session.